

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
STANLEY R. CHESLER
JUDGE

SENATOR FRANK R. LAUTENBERG BUILDING
UNITED STATES COURTHOUSE AND POST OFFICE
NEWARK, N.J. 07101-0999
(973) 645-3136

LETTER OPINION AND ORDER

October 15, 2020

Travis B. Martindale-Jarvis, Esq.
Law Office of Swartz Swidler, LLC
1101 Kings Highway North, Suite 402
Cherry Hill, New Jersey 08034

Re: Ralph Jones and Philip Pietrafeso v. Hesp Solar, et al.
Civil Action No. 20-13056

Dear Counsel:

The Court has received your letter dated October 13, 2020 responding to the Court's September 24, 2020 Order to Show Cause, as well as Plaintiffs' First Amended Complaint. Based on the information provided in the Amended Complaint, the Court currently remains unsatisfied that federal subject matter jurisdiction exists under 28 U.S.C. § 1332. To assert diversity jurisdiction under 28 U.S.C. § 1332, the amount in controversy must exceed \$75,000, exclusive of interest and costs, and there must be complete diversity. For complete diversity to exist, all plaintiffs must be citizens of a different state or states than all defendants. Strawbridge v. Curtiss, 3 Cranch 267, 2 L.Ed. 435 (1806). While the Amended Complaint properly pleads the citizenship of Plaintiffs and Defendant Grohman, it lacks information regarding the citizenship of the members of Defendant Hesp Solar, a limited liability company. Under Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F.3d 412, 420 (3d Cir. 2010), the Third Circuit explained that, for the purposes of diversity jurisdiction, the citizenship of a limited liability company includes the citizenship of all its members. As such, to properly plead diversity jurisdiction, Plaintiffs' Amended Complaint must allege that none of the members of Defendant Hesp Solar are citizens of the same state as Plaintiffs. Plaintiffs are hereby notified that they will have until **October 26, 2020** to cure this deficiency by filing a Second Amended Complaint with the requisite information. It is hereby **ORDERED** that if such Amended Complaint fails to cure the deficiency, the case is to be dismissed.

Very truly yours,

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

cc: Clerk
All parties